IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 18633 of 2007(R)

PETITIONER:

SARAMMA GEORGE, W/O.THOMAS,
MUNJANATTU HOUSE, KARUVATTA SOUTH, KARUVATTA P.O.,
HARIPAD, ALAPPUZHA DISTRICT. H.S.A.(MATHS), B.H.H.S., MAVELIKARA.

BY ADV. DR.P.S.KRISHNA PILLAI

RESPONDENTS:

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1. THE CORPORATE MANAGER, CMS SCHOOLS,
DIOCESE OF MADHYA KERALA C.S.I. DIOCESEN OFFICE,
CATHEDRAL ROAD KOTTALYAM 686 001.

2. THE HEADMISTRESS, BISHOP HODGES HIGHER
SECONDARY SCHOOL, MAVELIKKARA.

3. THE DISTRICT EDUCATIONAL OFFICER,
MAVELIKKARA.

4. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHI, THIRUVANANTHAPURAM.

BY ADV. SRI.BABU VARGHESE
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP. 18633/2007)

EXT.P1: TRUE COPY OF ORDER DT. 12/6/2007.

EXT.P2: TRUE COPY OF REPRESENTATION DT. 16/6/2007.

RESPONDENTS' EXHIBITS:

EXT.R1(A): TRUE COPY OF REPORT DT. 15/6/2007.

EXT.R1(B): TRUE COPY OF PERFORMANCE REPORT DT. 21/5/2007.

EXT.R1(C): TRUE COPY OF RELEVANT PAGE OF ATTENDANCE REGISTER FOR THE MONTH OF JUNE 2007.

A.K. Basheer, J.

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W.P(C) No.18633 of 2007

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Dated this the 4th day of July, 2007.

J U D G M E N T

Petitioner who is working as High School Assistant (Mathematics) in Bishop Hodges Higher Secondary School, Mavelikkara under the management of respondent No.1 impugns Ext.P1 order issued by the management transferring her to CMS High School, Punavely. Petitioner has raised several contentions in support of her plea that she was not liable to be transferred , going by the relevant rules in force.

2. In fact when this writ petition had come up for admission on June 18, 2007, this Court had issued an interim direction to keep Ext.P1 order of transfer in abeyance if the petitioner had not been relieved already as on that date. It is contended by the management that petitioner had been in fact relieved, though she refused to accept the order of relief. Petitioner contends that she was not allowed to sign the attendance register nor was she permitted to take classes. A detailed counter affidavit has been filed justifying the order of transfer. Anyhow the fact remains that the petitioner has chosen to pursue the statutory remedy available to her. She has preferred Ext.P2 appeal against Ext.P1 order before respondent No.4. The limited prayer is to issue a direction to the appellate authority to take a decision on Ext.P2.

2. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No. 4 to consider and pass orders on Ext.P2 strictly on its merit and in accordance with

law, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

Since the petitioner has not assumed charge at the transferred station purportedly on the strength of the interim order , the question as to how the period from the date of Ext.P1 order till date has to be reckoned shall also be considered by the appellate authority in accordance with law.

A.K. Basheer
Judge.

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